

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 3518 of 2021

Arising Out of PS. Case No.-316 Year-2020 Thana- NATHNAGAR District- Bhagalpur

1. Amit Kumar Son Of Sitaram Yadav R/o village- Sardarpur, P.S.- Madhusudanpur, District- Bhagalpur
2. Surendra Kumar S/o Sitaram Yadav R/o village- Sardarpur, P.S.- Madhusudanpur, District- Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Anupa Nand Jha, Adv.

For the Opposite Party/s : Mr. APP.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 14-12-2021 Heard learned counsel for the parties.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners seek anticipatory bail in connection with Nathnagar (Madhusudanpur) P.S. Case No. 316/2020, registered for the offences under Sections 341, 323, 307, 504, 506/34 of the Indian Penal code and 27 of the Arms Act.

A Show cause reply was called for from the Sri Atul Veer Singh, A.D.J. XI, Bhagalpur, and in pursuance of the same, he has submitted his show cause and justified his order granting anticipatory bail to some of the accused persons in this case, in



whose case, he had called for the case diary and after non-receipt of the same he has granted anticipatory bail to them without seeing the injury report.

This Court had also directed the District Judge, Bhagalpur to submit a report with regard to the bail orders in which the then A.D.J.-XI, Bhagalpur had passed orders in last six months,

The report has been submitted by the District Judge, Bhagalpur.

Considered the aforesaid show cause and report. Once case diary was called for and the same was not received, it would have been proper that the A.D.J.-XI, Bhagalpur, should have awaited for the case diary and the injury report. He should not have granted bail to some of the accused persons when the case diary was not received. He should have passed interim orders in favour of the accused persons but he has granted anticipatory bail finally without seeing the case diary and injury report.

In the opinion of this Court, this kind of order should not have been passed. The Additional District Judge should be more cautious in future in passing final orders in cases in which he calls for the case diary and when they are not received. For



the present, no further order is required to be passed on the conduct of Sri Atul Veer Singh, A.D.J. XI, Bhagalpur.

Considered case of the petitioner and considering the injury report, this application for anticipatory bail is allowed.

Let the petitioners, above named, in the event of their arrest/surrender within four weeks from today in the court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 316/2020, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Sandeep Kumar, J)

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